

UNITED STATES DISTRICT COURT
for the
Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

)
)
)
)

Case No. MJ20-384

The Google accounts luke.stmarie44@gmail.com and
rachelhurtt8530@gmail.com, more fully described in
Attachment A.

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated herein by reference.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

21 U.S.C. §§ 841(a)(1) and
842(a)(1)

Offense Description

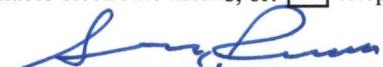
Prescribing controlled substances without a legitimate medical purpose

The application is based on these facts:

- See Affidavit of Special Agent Gerald Russell, continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: by reliable electronic means; or: telephonically recorded.



Applicant's signature

Gerald Russell, Special Agent

Printed name and title

- The foregoing affidavit was sworn to before me and signed in my presence, or
- The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: June 26, 2020



Judge's signature

City and state: Seattle, Washington

Michelle L. Peterson, United States Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF WASHINGTON)
COUNTY OF KING)
ss)

I, Gerald Russell, being first duly sworn, depose and state as follows:

INTRODUCTION AND INVESTIGATOR BACKGROUND

1. I am a Special Agent with the Drug Enforcement Administration (DEA) assigned to the Seattle Field Division. As such, I am a federal law enforcement officer within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I have been a DEA Special Agent for approximately eight years. During that time, I have participated in numerous investigations of unlawful drug distribution and importation of narcotics. In the course of those investigations, I have conducted or participated in surveillance, wiretap investigations, undercover transactions, the introduction of undercover agents and confidential sources, the execution of search warrants, debriefing of informants, and reviews of taped conversations and drug records. Through my training, education, and experience, I have become familiar with the manner in which illegal drugs are imported and distributed; the way in which illegal drugs are prepared, packaged, and sold on the street; some of the methods of payment for such drugs; some of the methods that are used to disguise the source and nature of the profits made by narcotics dealers; and other efforts of persons involved in such activity to avoid detection by law enforcement. I also have significant experience monitoring cellphone location data and using it to conduct surveillance of suspected drug traffickers and distributors.

2. The facts set forth in this Affidavit are based on the personal knowledge and observations of DEA Diversion Investigator Heather Achbach during the course of this investigation, as well as DI Achbach's witness interviews and review of documents obtained during the investigation. I have spoken with DI Achbach regarding the investigation and the

1 facts contained in this affidavit. This affidavit does not include each and every fact and
2 detail known to me or DI Achbach concerning this investigation, but instead sets forth only
3 the material facts necessary to establish probable cause.

4 3. Based on my training and experience and the training and experience of DI
5 Achbach, the facts as set forth in this affidavit, there is probable cause to believe that Luke
6 ST. MARIE has committed violations of 21 U.S.C. §§ 841(a)(1) and 842(a)(1) (prescribing
7 controlled substances without a legitimate medical purpose). There is also probable cause to
8 search the information described in Section I of Attachment B for the evidence or
9 instrumentalities of these crimes further described in Section II of that Attachment.

PURPOSE OF THIS AFFIDAVIT

11 4. I make this Affidavit in support of an application under Rule 41 of the Federal
12 Rules of Criminal Procedure and 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A)
13 for a warrant for information associated with the Google accounts
14 **Luke.stmarie44@gmail.com** and **rachelhurtt8530@gmail.com** (the “Subject Accounts”),
15 stored at premises controlled by Google LLC (“Google”), an email provider that accepts
16 service of legal process at 1600 Amphitheatre Parkway, Mountain View, CA 94043. This
17 information is further described in Attachment A.

18 5. As further discussed below, one of the Subject Accounts is the account of
19 Rachel Hurtt, who is now deceased. The other Subject Account is the account of Dr. Luke
20 ST. MARIE, boyfriend and employer of Ms. Hurtt and who is being investigated for
21 violations of the Controlled Substances Act, specifically allowing Ms. Hurtt to fill controlled
22 substance prescriptions in ST. MARIE's name and using his DEA number for controlled
23 substances not issued for a legitimate medical purpose. During conversations Investigators
24 held with Ms. Hurtt's family it was learned that Ms. Hurtt and ST. MARIE communicated
25 via these Google accounts. The content of any such communications between the two could
26 serve to incriminate or exculpate ST. MARIE; could shed light on Ms. Hurtt's or ST.
27 MARIE's state of mind and intent with respect to the prescriptions at issue; and could
28 indicate whether ST. MARIE had a legitimate medical purpose for the prescriptions he wrote

1 or allowed Ms. Hurttt to write on his behalf. Investigators also learned that ST. MARIE used
2 this Google account as the primary method of contact between himself and certain regulatory
3 agencies, indicating that he also used that account for professional correspondence—which
4 would indicate that the account may contain communications relating to Ms. Hurttt’s
5 employment by ST. MARIE or her prescriptions.

6 6. Accordingly, the search warrant would require Google to disclose to the
7 government copies of the information (including the content of communications) further
8 described in Section I of Attachment B. Upon receipt of the information described in
9 Section I of Attachment B, government-authorized persons will review that information to
10 locate the items described in Section II of Attachment B.

PROBABLE CAUSE

12 7. The DEA Seattle Field Division, Diversion Group has an open investigation
13 into the prescribing practices of Dr. Luke ST. MARIE, a dentist assigned DEA Registration
14 No. FS5420360. ST. MARIE is currently the owner of, and a practicing dentist at, Valley
15 Dental Group, located at 17900 Talbot Rd S., Renton, WA 98055. DEA's investigation
16 alleges that ST. MARIE either wrote controlled substance prescriptions to an individual
17 outside the usual course of professional practice and without a legitimate medical need, or he
18 knowingly allowed this individual to write controlled substance prescriptions to themselves
19 and their family and friends with the full intention of diverting and abusing these controlled
20 substances.

21 8. In October 2018, the DEA Seattle Field Office Diversion Group received
22 information from Investigator Scott Bramhall with the Washington State Dental Commission
23 (“the Commission”) regarding a tip the Commission had received from an area pharmacy.
24 That tip indicated that ST. MARIE was allowing a former employee (Rachel Hurt) to write
25 controlled substance prescriptions to herself using ST. MARIE’s prescription pad. The tip
26 alleged that, in April 2018, the complainant pharmacist contacted ST. MARIE regarding a
27 prescription presented at the pharmacy from ST. MARIE’s practice that appeared to have
28 had the name changed from another patient’s name to Ms. Hurt’s. ST. MARIE told the

1 pharmacist he would reissue Ms. Hurtt a new prescription. The pharmacist found the
 2 response questionable and conducted additional due diligence. The pharmacist checked
 3 surveillance at the pharmacy and saw a male fitting ST. MARIE's description picking up a
 4 prescription the day before for Ms. Hurtt. The pharmacist stated that he compared the video
 5 to a picture of ST. MARIE on the Valley Dental Group website.

6 9. The reporting pharmacist also stated that on July 7, 2018, Ms. Hurtt presented
 7 another prescription for Oxycodone with ST. MARIE's DEA number. The Pharmacist spoke
 8 with ST. MARIE via phone again at which time ST. MARIE said the prescription was
 9 written by him to treat a former employee. However, the Pharmacist stated that ST. MARIE
 10 also said that he suspected Ms. Hurtt had gotten ahold of one of his prescription pads and had
 11 been writing prescriptions under two other names (Patient B and Patient D). ST. MARIE told
 12 the Pharmacist that he would contact DEA and the Washington State Department of Health.
 13 DEA has no such record of any calls or conversations with ST. MARIE regarding suspected
 14 misuse of his DEA number. The Pharmacist also stated that ST. MARIE told him that the
 15 controlled substance prescriptions written to Patient B on July 3, 2018 and June 22, 2018
 16 were written by him, but prescriptions written before June 22, 2018 were not written by him
 17 and that none of the prescriptions for Patient D were written by him. During interviews DI
 18 Achbach later conducted with Patient B, Patient B stated she never received a controlled
 19 substance prescription from ST. MARIE.

20 10. In November 2019, the DEA received information from the same Washington
 21 State Investigator that Ms. Hurtt had overdosed and passed away at ST. MARIE's residence.
 22 Furthermore, the State Investigator conveyed additional details of the state investigation,
 23 including that Ms. Hurtt and ST. MARIE were dating and that ST. MARIE had picked up
 24 controlled substance prescriptions for Ms. Hurtt that were written under his name and DEA
 25 number. Following receipt of the November 2019 tip, the DEA Seattle FDO Diversion
 26 Group began an investigation into ST. MARIE's medical practice.

27 11. DEA's investigation revealed that on or around August 13, 2017, Ms. Hurtt
 28 received her first two prescriptions under ST. MARIE's name and DEA number. The

1 prescriptions were for Oxycodone/Acetaminophen 5-325mg – 20 count and Hydrocodone-
 2 Acetaminophen 5-325mg – 20 count. Over the course of the next twenty-two months, Ms.
 3 Hurtt received another 56 prescriptions filled under ST. MARIE's name and DEA number.
 4 DEA's investigation also revealed that in July 2017, Ms. Hurtt began working at ST.
 5 MARIE's dental practice. Ms. Hurtt left the dental practice in approximately June 2018.
 6 However, according to interviews conducted with former practice employee S.M., Ms. Hurtt
 7 started working at the practice again in July 2019. S.M. stated that before Ms. Hurtt left
 8 employment in 2018, there had been only rumors amongst the employees that Ms. Hurtt and
 9 ST. MARIE were in a relationship. By contrast, when Ms. Hurtt resumed working at ST.
 10 MARIE's dental practice, it was known to employees that ST. MARIE and Ms. Hurtt were
 11 dating; Ms. Hurtt told S.M. that she was dating ST. MARIE and the two were engaged to be
 12 married, and showed S.M. an engagement ring. S.M. also stated that it was known to
 13 employees that ST. MARIE and Ms. Hurtt were living together at ST. MARIE's house.
 14 Family members of Ms. Hurtt confirmed that, in early 2018, Ms. Hurtt moved in with ST.
 15 MARIE.

16 12. From approximately August 2017 to May 2019, 56 prescriptions were filled in
 17 Ms. Hurtt's name under the DEA number for ST. MARIE. These prescriptions were filled at
 18 multiple pharmacies and included a total of 1050 tablets of various narcotic and
 19 benzodiazepine controlled substances, to include: 24 doses of Acetaminophen-Codeine #3,
 20 240 doses of Hydrocodone-Acetaminophen 5-325mg, 16 doses of Hydromorphone 2mg, 136
 21 doses of Lorazepam 1mg, 20 doses of Oxycodone HCL 10mg, 72 doses of Oxycodone HCL
 22 5mg, 440 doses of Oxycodone-Acetaminophen 5/325mg, 90 doses of Tramadol HCL 50mg,
 23 and 12 doses of Triazolam 0.25mg.

24 13. DEA's investigation also revealed that between November 2017 and February
 25 2019, approximately 34 prescriptions for controlled substances were written under ST.
 26 MARIE's name and DEA number to various family and friends of Ms. Hurtt. A review of
 27 these prescriptions indicated that many were picked up by a person presenting Ms. Hurtt's
 28 Washington State Driver's License. The prescriptions include approximately 12 controlled

1 substance prescriptions for Patient B (Ms. Hurtt's sister), 6 for Patient C (Ms. Hurtt's
 2 brother), 9 for Patient D (Ms. Hurtt's friend), 3 for Patient E (Ms. Hurtt's sister-in-law), one
 3 prescription each for Patient F and Patient G (Ms. Hurtt's friends), and 3 for Patient H (Ms.
 4 Hurtt's ex-boyfriend). Additionally, on at least two occasions the filling pharmacy indicates
 5 in a note on the prescription that they confirmed the prescriptions with ST. MARIE. This
 6 occurred with a prescription for Patient B and a prescription for Patient H. In an interview
 7 by DEA, Patient B stated they never received a prescription from ST. MARIE. In
 8 information collected by the Commission and provided to DEA, Patient H stated they never
 9 received a prescription from ST. MARIE. In an interview by DEA, Patient E stated they
 10 never received a prescription from ST. MARIE. A letter sent by Valley Dental Group to the
 11 Washington State Department of Health in October 2018, and provided to DI Achbach,
 12 states that neither Patient B nor Patient D had ever been patients of the practice. Another
 13 letter sent by Valley Dental Group to the Washington State Department of Health in
 14 September 2019, and provided to DI Achbach, stated that Patient H had never been a patient
 15 of the practice. These 34 prescriptions for various friends and family of Ms. Hurtt came to a
 16 total of 680 tablets of various narcotic and benzodiazepine controlled substances, including:
 17 36 doses of Hydrocodone-Acetaminophen 5-325mg, 24 doses of Hydrocodone-
 18 Acetaminophen 7.5/325mg, 108 doses of Lorazepam 1mg, 24 doses of Oxycodone HCL
 19 5mg, 444 doses of Oxycodone-Acetaminophen 5-325mg, 20 doses of Tramadol HCL 50mg,
 20 and 24 doses of Vicodin 7.5/300mg.

21 14. On November 15, 2019, Ms. Hurtt was found unconscious at ST. MARIE's
 22 residence by ST. MARIE. ST. MARIE initiated CPR while his father called an ambulance.
 23 Upon arriving at the residence, Seattle Police noted in their report that drug paraphernalia
 24 could be seen in the house. A drug toxicology test done on Ms. Hurtt at Northwest Hospital
 25 revealed that she tested positive for benzodiazepines, cocaine, opiates, and acetaminophen.
 26 Additionally, the medical chart for Ms. Hurtt notes that on August 30, 2019 she had also
 27 been treated at Northwest Hospital for an unintentional overdose with fentanyl and Xanax.
 28 This overdose had also occurred at ST. MARIE's residence. On November 20, 2019, Ms.

1 Hurtt's family removed her from life support and she passed away. The cause of death stated
 2 on Ms. Hurtt's Death Certificate is "probably combined cocaine, opiate (either heroin or
 3 pharmaceutical morphine), and unspecified benzodiazepine."

4 15. During interviews with Ms. Hurtt's family and a former coworker, DI Achbach
 5 was told that an employee at Valley Dental had once found a white powdery substance at the
 6 practice in a drawer used by ST. MARIE's and that ST. MARIE was told to go to rehab.
 7 Additionally, Ms. Hurtt's sibling stated that Ms. Hurtt had previously told her that both she
 8 and ST. MARIE were using drugs and that ST. MARIE had at one time had a person living
 9 at his house who provided cocaine. The sibling stated Ms. Hurtt told her that ST. MARIE
 10 had drugs at his residence, including a medicine cabinet full of drugs. According to Ms.
 11 Hurtt, ST. MARIE would write prescriptions to patients without their knowledge, pick up the
 12 prescription and take it home. Additionally, documents obtained from the Commission
 13 indicate that several former employees of ST. MARIE's practice expressed concerns to the
 14 State Investigator that ST. MARIE was writing prescriptions to Ms. Hurtt and that Ms. Hurtt
 15 would call the practice to speak to ST. MARIE because pharmacies were calling to verify
 16 prescriptions.

17 16. During the investigation, DEA confirmed that ST. MARIE used google email
 18 address **luke.stmarie44@gmail.com** as his contact address for his DEA registration number.
 19 During a review of records provided by the Commission, DI Achbach also noted that this
 20 same email address was provided as ST. MARIE's email address for his Washington State
 21 Dental License. Furthermore, family members of Ms. Hurtt confirmed that the
 22 **luke.stmarie44@gmail.com** address is ST. MARIE's email address, and that ST. MARIE
 23 would often use this email address to communicate with Ms. Hurtt, especially when she
 24 blocked ST. MARIE on social media when they were fighting. Family members stated this
 25 was the only email address they knew of for ST. MARIE. From that information, DEA has
 26 concluded that ST. MARIE likely uses the **luke.stmarie44@gmail.com** email account for
 27 both personal and professional email correspondence, and that that email account likely
 28 contains communications with Ms. Hurtt or others regarding either Ms. Hurtt's employment

1 at Valley Dental or ST. MARIE's relationship with Ms. Hurtt. Given that Ms. Hurtt's
 2 relationship with ST. MARIE is relevant to whether he dispensed controlled substances for a
 3 legitimate medical purpose, either of those types of communications would be evidence
 4 relevant to the crimes being investigated here.

5 17. Ms. Hurtt's family also stated that Ms. Hurtt had two email addresses she used:
 6 **rachelhurtt@icloud.com** and **rachelhurtt8530@gmail.com**. Law enforcement therefore
 7 understands that **rachelhurtt8530@gmail.com** was used by Ms. Hurtt to conduct personal
 8 communications, including with ST. MARIE. Additionally, while reviewing records
 9 provided by the Commission, DI Achbach reviewed Ms. Hurtt's provided employment
 10 information from Valley Dental, in which she listed her contact email address of
 11 **curve_8530@yahoo.com**.

12 18. During the investigation DEA confirmed with Ms. Hurtt's family that she had
 13 a Facebook Account under the name Rachel Hurtt and that she had been active on the
 14 account. During a search for Ms. Hurtt's account, DI Achbach noted an account at
 15 **www.facebook.com/rachel.hurtt.1** that had Ms. Hurtt's picture as the profile picture. A
 16 review of publicly visible pictures also showed additional images of Ms. Hurtt with known
 17 friends and family members liking and commenting on the images. According to Ms. Hurtt's
 18 family, ST. MARIE also had a Facebook account and was Facebook "friends" with Ms.
 19 Hurtt. A search for a Facebook Account for ST. MARIE produced an account at
 20 **www.facebook.com/luke.stluke.5209**. The profile picture on this account has a picture of
 21 ST. MARIE and a review of publicly visible pictures on this account revealed that Ms. Hurtt
 22 had "liked" ST. MARIE's profile picture.

23 19. Ms. Hurtt's family also confirmed that she had an Instagram account in her
 24 name. Knowing that Facebook and Instagram are linked, DI Achbach searched for any
 25 Instagram accounts for Ms. Hurtt or ST. MARIE. An Instagram page of
 26 **www.instagram.com/rachel_hurtt/** was located with her picture in the profile thumbnail.
 27 Ms. Hurtt's family stated that they knew ST. MARIE had an Instagram account but they
 28 thought he might have closed it and were not sure of the user name. Ms. Hurtt's sister stated

1 it was Luke ST. MARIE or Luke St. "something." DI Achbach searched available
 2 information for Instagram using the both "luke ST. MARIE" and the "luke st luke" used on
 3 the facebook account and located an Instagram account
 4 www.instagram.com/dr.luke.stluke/ with ST. MARIE's picture as the profile picture.

5 20. Ms. Hurtt's family stated that ST. MARIE and Ms. Hurtt would communicate
 6 through their social media platforms. Ms. Hurtt's sister stated she knew this because, when
 7 Ms. Hurtt and ST. MARIE were fighting, Ms. Hurtt would often block him on social media
 8 if she did not want to talk to him. Additionally, DI Achbach knows that friends and couples
 9 routinely communicate directly with each other through chat features in social media
 10 platforms such as Facebook and Instagram.

11 21. Washington State Department of Health Investigator Scott Bramhall also stated
 12 that during an earlier review of Ms. Hurtt's Facebook page, he noted several images of Ms.
 13 Hurtt and ST. MARIE kissing. In one image they appear to be in a restaurant and in another
 14 image they are in a kitchen later identified by ST. MARIE's ex-wife as the kitchen of ST.
 15 MARIE's residence.

16 22. During a review of subpoenaed phone records for Ms. Hurtt (**425-780-1416**)
 17 and ST. MARIE (**425-931-9955**), DI Achbach noted regular text and call communication
 18 between the two numbers. Additionally, DI Achbach noted that that on December 6, 2019,
 19 Ms. Hurtt's cell phone received a text from #32665 registered to "Facebook Short Code." An
 20 online query of common Facebook questions determined that text messages from Facebook
 21 are often sent to the phone number a Facebook account has on file when someone is
 22 attempting to access an account and is attempting a password reset. It is noted that at the time
 23 this text was received on Ms. Hurtt's phone number, Ms. Hurtt had been deceased over two
 24 weeks. During a conversation with Ms. Hurtt's family, DI Achbach learned that the family
 25 had been unable to access any of Ms. Hurtt's social media or email accounts. Family
 26 members also stated that ST. MARIE is in possession of Ms. Hurtt's cell phone and
 27 computer.

1 **BACKGROUND REGARDING GOOGLE'S SERVICES**

2 23. In my training and experience, I have learned that Google provides a variety of
 3 online services, including electronic mail ("email") access, to the general public. Google
 4 allows subscribers to obtain email accounts at the domain name "Gmail.com", like the email
 5 account listed in Attachment A.

6 24. Subscribers obtain an account by registering with Google. When doing so,
 7 email providers like Google ask the subscriber to provide certain personal identifying
 8 information. This information can include the subscriber's full name, physical address,
 9 telephone numbers and other identifiers, alternative email addresses, and, for paying
 10 subscribers, means and source of payment (including any credit or bank account number). In
 11 my training and experience, such information may constitute evidence of the crimes under
 12 investigation because the information can be used to identify the account's user or users, and
 13 to help establish who has dominion and control over the account.

14 25. In my training and experience, e-mail providers typically retain certain
 15 transactional information about the creation and use of each account on their systems. This
 16 information can include the date on which the account was created, the length of service,
 17 records of log-in (i.e., session) times and durations, the types of service utilized, the status of
 18 the account (including whether the account is inactive or closed), the methods used to
 19 connect to the account (such as logging into the account via the provider's website), and
 20 other log files that reflect usage of the account. In addition, e-mail providers often have
 21 records of the Internet Protocol address ("IP address") used to register the account and the IP
 22 addresses associated with particular logins to the account. Because every device that
 23 connects to the Internet must use an IP address, IP address information can help identify
 24 which computers or other devices were used to access the e-mail account.

25 26. In general, an email that is sent to a Google subscriber is stored in the
 26 subscriber's "mail box" on Google's servers until the subscriber deletes the email. If the
 27 subscriber does not delete the message, the message can remain on Google's servers
 28

1 | indefinitely. Even if the subscriber deletes the email, it may continue to be available on
 2 | Google's servers for a certain period of time.

3 | 27. When the subscriber sends an email, it is initiated at the user's computer,
 4 | transferred via the Internet to Google's servers, and then transmitted to its end destination.
 5 | Google often maintains a copy of the email sent. Unless the sender of the email specifically
 6 | deletes the email from Google's server, the email can remain on the system indefinitely.
 7 | Even if the sender deletes the email, it may continue to be available on Google's servers for a
 8 | certain period of time.

9 | 28. A sent or received email typically includes the content of the message, source
 10 | and destination addresses, the date and time at which the email was sent, and the size and
 11 | length of the email. If an email user writes a draft message but does not send it, that message
 12 | may also be saved by Google but may not include all of these categories of data.

13 | 29. As explained herein, information stored in connection with an e-mail account
 14 | may provide crucial evidence of the "who, what, why, when, where, and how" of the
 15 | criminal conduct under investigation, this enabling the United States to establish and prove
 16 | each element or alternatively, to exclude the innocent from further suspicion. In my training
 17 | and experience, the information stored in connection with an e-mail account can indicate
 18 | who has used or controlled the account. This "user attribution" evidence is analogous to the
 19 | search for "indicia of occupancy" while executing a search warrant at a residence. For
 20 | example, e-mail communications, contact lists, images sent (and the data associated with the
 21 | foregoing, such as date and time) may indicate who used or controlled the account at a
 22 | relevant time. Further, information maintained by the e-mail provider can show how and
 23 | when the account was accessed or used. For example, as described above, e-mail providers
 24 | typically log the Internet Protocol (IP) addresses from which users access the e-mail account
 25 | along with the time and date. By determining the physical location associated with the
 26 | logged IP addresses, investigators can understand the chronological and geographic context
 27 | of the e-mail account access and use relating to the crime under investigation. This
 28 | geographic and timeline information may tend to either inculpate or exculpate the account

1 owner. Additionally, information stored at the user's account may further indicate the
 2 geographic location of the account user at a particular time (e.g., location information
 3 integrated into an image or video sent via e-mail). Last, stored electronic data may provide
 4 relevant insight into the e-mail account owner's state of mind as it relates to the offense
 5 under investigation. For example, information in the e-mail account may indicate the
 6 owner's motive and intent to commit a crime (e.g., communications relating to the crime), or
 7 consciousness of guilt (e.g., deleting communications in an effort to conceal them from law
 8 enforcement), and the knowing involvement of other participants in the scheme.

9 30. In some cases, email account users will communicate directly with an email
 10 service provider about issues relating to the account, such as technical problems, billing
 11 inquiries, or complaints from other users. Email providers typically retain records about
 12 such communications, including records of contacts between the user and the provider's
 13 support services, as well records of any actions taken by the provider or user as a result of
 14 the communications. In my training and experience, such information may constitute
 15 evidence of the crimes under investigation because the information can be used to identify
 16 the account's user or users.

17 31. Additionally, subscribers to Google Gmail might not store on their home or
 18 business computers copies of the e-mails stored in their Google account. This is particularly
 19 true when they access their Google account through the web, or if they do not wish to
 20 maintain particular e-mails or files in their residence or at their business.

21 32. Pursuant to Title 18, United States Code, Section 2703(g), this application and
 22 affidavit for a search warrant seeks authorization to permit Google, and its agents and
 23 employees, to assist agents in the execution of this warrant. Once issued, the search warrant
 24 will be presented to Google with direction that it identify the Google account described in
 25 Attachment A to this affidavit, as well as other subscriber and log records associated with the
 26 accounts, as set forth in Section I of Attachment B to this affidavit.

27 33. The search warrant will direct Google to create an exact copy of the specified
 28 account and records.

1 34. I, and/or other law enforcement personnel will thereafter review the copy of
 2 the electronically stored data, and identify from among that content those items that come
 3 within the items identified in Section II to Attachment B, for seizure.

4 35. Analyzing the data contained in the forensic image may require special
 5 technical skills, equipment, and software. It could also be very time-consuming. Searching
 6 by keywords, for example, can yield thousands of “hits,” each of which must then be
 7 reviewed in context by the examiner to determine whether the data is within the scope of the
 8 warrant. Merely finding a relevant “hit” does not end the review process. Keywords used
 9 originally may need to be modified based on interim results. Certain file formats, moreover,
 10 do not lend themselves to keyword searches, as keywords, search text, and many common
 11 email, database and spreadsheet applications do not store data as searchable text. The data
 12 may be saved, instead, in proprietary non-text format. And, as the volume of storage allotted
 13 by service providers increases, the time it takes to properly analyze recovered data increases,
 14 as well. Consistent with the foregoing, searching the recovered data for the information
 15 subject to seizure pursuant to this warrant may require a range of data analysis techniques
 16 and may take weeks or even months. All forensic analysis of the data will employ only those
 17 search protocols and methodologies reasonably designed to identify and seize the items
 18 identified in Section II of Attachment B to the warrant.

19 36. Based on my experience and training, and the experience and training of other
 20 agents with whom I have communicated, it is necessary to review and seize a variety of
 21 email communications, chat logs and documents, that identify any users of the subject
 22 account and emails sent or received in temporal proximity to incriminating emails that
 23 provide context to the incriminating communications.

24 //

25 //

26 //

27

28

CONCLUSION

37. Based on the foregoing, I request that the Court issue the proposed search warrant.

38. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Facebook. Because the warrant will be served on Facebook, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

39. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that - has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). Accordingly, by this Affidavit and Warrant, I seek authority for the government to search all of the items specified in Section I, Attachment B, and specifically to seize all of the data, documents and records that are identified in Section II to that same Attachment.

Gerald Russell, Affiant
Special Agent
Drug Enforcement Administration

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit on the 26th of June 2020.

HONORABLE MICHELLE L. PETERSON
United States Magistrate Judge

1 **ATTACHMENT A**

2 **Account to be Searched**

3 The electronically stored data, information and communications contained in, related
4 to, and associated with, including all preserved data associated with the following Google ID
5 and/or Google or Gmail e-mail account:

6 **luke.stmarie44@gmail.com**

7 **rachelhurtt8530@gmail.com**

8 (the “SUBJECT ACCOUNTS”), as well as all other subscriber and log records associated
9 with the account, which are located at premises owned, maintained, controlled or operated by
10 Google LLC, an email provider that accepts service of legal process at the following address:

11 Google LLC

12 C/O Custodian of Records

13 1600 Amphitheatre Parkway

14 Mountain View, CA 94043

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ATTACHMENT B

I. Information to be disclosed by Google LLC (“Google”), for search:

To the extent that the information described in Attachment A is within the possession, custody, or control of Google, regardless of whether such information is located within or outside of the United States, including any emails, records, files, logs, or information that has been deleted but is still available to Google, Google is required to disclose the following information to the government for each account or identifier listed in Attachment A:

1. The contents of all emails associated with the account between July 2017 and the present, including stored or preserved copies of emails sent to and from the account, draft emails, the source and destination addresses associated with each email, the date and time at which each email was sent, and the size and length of each email;
 2. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
 3. The types of service utilized;
 4. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;
 5. All records pertaining to communications between Google and any person regarding the account, including contacts with support services and records of actions taken.

Google is hereby ordered to disclose the above information to the government within 14 days of service of this warrant.

II. Information to be seized by the government:

Information described above in Section I that constitutes evidence and instrumentalities of violations of 21 U.S.C. § 841(a)(1) and 842(a)(1) (prescribing controlled substances without a legitimate medical purpose), those violations occurring between July 1, 2017 and the present, including, for each account or identifier listed on Attachment A, information pertaining to the following:

- a. Any communication or document regarding the prescription, dispensing, transfer, or sale of controlled substances;

b. Any communication or document regarding efforts to conceal or disguise the purpose of a controlled substance prescription;

c. Any communication or document wherein medical advice, including with respect to controlled substances, is provided or sought;

d. Any communication or document involving a relationship (sexual or personal) between Luke St. Marie and Rachel Hurt, or the exchange of controlled substances in furtherance of a relationship;

e. Any communication or document regarding efforts to conceal or disguise the nature of such a relationship;

f. Evidence indicating Luke St. Marie's or Rachel Hurt's state of mind as it relates to the crime under investigation;

g. Evidence indicating how and when the email account was accessed or used, to determine the context of account access, use, and events relating to the crime under investigation and to the email account owner;

h. The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s);

i. The identity of any persons who communicated with

luke.stmarie44@gmail.com or **rachelhurtt8530@gmail.com** about the matters described in subsections (a) through (f), above;

- 1 j. Any address lists or buddy/contact lists associated with the specified
2 account;
3 k. All subscriber records associated with the specified account, including
4 name, address, local and long distance telephone connection records, or records of session
5 times and durations, length of service (including start date) and types of service utilized,
6 telephone or instrument number or other subscriber number or identity, including any
7 temporarily assigned network address, and means and source of payment for such service)
8 including any credit card or bank account number; and
9 l. Other log records, including IP address captures, but not including
10 location history, associated with the specified account.